

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

SIDNEY LOUIS DIOSDADO, #38702-179	§	
VS.	§	CIVIL ACTION NO. 9:06cv127
UNITED STATES OF AMERICA	§	CRIM. NO. 9:04cr24(3)

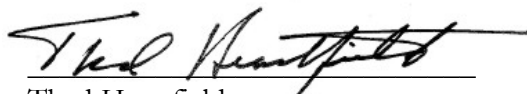
ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that Diosdado's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 should be denied. Diosdado has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Diosdado to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Diosdado are without merit. More specifically, Diosdado's grounds for relief are barred by the waiver paragraph in the plea agreement. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that Diosdado's motion to vacate, set aside or correct his sentence is **DENIED** and the cause of action is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

**SIGNED** this the 5 day of September, 2006.

  
Thad Heartfield  
United States District Judge